IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGTH DAY OF AUGUST
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 23137 of 2001

Between:

A. Ramakrishna.

..... PETITIONER

AND

Municipal Corporation of Hyderabad
And another.

.....RESPONDENTS

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 23137 of 2001

ORDER:

This writ petition is filed by the petitioner seeking writ of mandamus declaring the action of the 1st Respondent in not taking any action on the complaint of the petitioner dated 27.07.2001 seeking protection of 24 feet wide road between the Petitioner's house and the 2nd respondent's house, bearing No.16-1-123, Saidabad, Hyderabad as arbitrary, illegal and consequently direct the 1st Respondent to remove the illegal encroachment and constructions made by the 2nd Respondent on the public road.

2. A counter is filed on behalf of the 2nd Respondent stating that she did not encroach into the Petitioner's land or the public road. The 2nd respondent's possession of the property is as per the registered sale deeds, under which the land was acquired.

3. The counsel for the 2nd Respondent also contended that series of sale deeds, under which the land in question was

transferred from person to person, are filed and contended that the property was as it is now and there is no encroachment at any time. Alternatively, it is stated that it is a matter of evidence and enquiry, which this court cannot enquire into the factual aspects, while exercising jurisdiction under Art.226 of the Constitution of India. Therefore, the learned counsel sought for dismissal of the writ petition.

4. Heard both the learned counsel and considered the material on record.

5. Since it is a civil dispute, which is required to be gone into in detail by production of evidence and verification on ground, this court cannot grant any relief in the present writ petition. However, it is left to the Petitioner, if so advised, to approach the competent civil court seeking appropriate relief.

6. Therefore, the writ petition is dismissed, accordingly. No costs.

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S.ANANDA REDDY.J

Dated: 08..08..2007
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THE HON'BLE MR. JUSTICE S.ANANDA REDDY

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WRIT PETITION No. 23137 of 2001

O R D E R

Dt. 08..08..2007